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House of Representatives

MAKING IN ORDER FURTHER CONSIDERATION OF H.R. 1, FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011—Continuing

Mr. FRANK of Massachusetts. Mr. Speaker, reserving the right to object, I guess I am a dissenter in this orgy of self-congratulation, and I want to explain why. And I may not object if I have a chance to explain why, but if I can't explain, I have to object. So that is the choice. I either explain or object.

I object not to the UC at this point, but to the self-congratulation that the majority is engaging in because they said they had such an "open process." In fact, the refutation of that was best stated by the gentleman from Kentucky. He just said we have debated the whole government. Yes, we have—and very inappropriately.

To debate the whole government and to debate fundamental policy issues under the guise of a budget, under the constraints of a budget debate and not three, not a whole week, 2½ days so far. Maybe we will get a third day. We have dealt with the most fundamental questions. In the jurisdiction of the committee on which I serve, issues came up under great constraint. The reform bill of last year has been damaged by what was done here. Fortunately, it will never become law. And we were constrained because we had to choose between the SEC and the IRS. That is not the way to legislate.

This was not an open process. Yes, you could offer amendments. You could offer amendments in a very narrow compass. You could offer amendments according to the jurisdiction of subcommittees. The jurisdiction of subcommittees is somewhat accidental. It doesn't determine public policy.

And, yes, we are talking about it now. We are boasting about debating the whole government. Did my colleagues listen to the UC? You will get to debate whole aspects of the government tomorrow for 10 minutes. We are

the model of democracy. The next thing you know, they will be rioting in parts of the world so they can have 10 minutes per issue to debate fundamental issues.

This is a travesty. I very much objected to this procedure. My leadership, for which I have great respect, had asked me if they could go forward. I am prepared to allow that because of some conditions. One is that I am confident that this awful, distorted, ill-thought-out process has produced a bill that will never see the light of day. And by the way, no one should be surprised. We are now going to recess after we finish with all of these other parts of the government in 10 minutes per issue, or up to an hour for a couple of important ones, 20 minutes for some only moderately important ones.

The Senate will then get this with 4 days left before it expires. No one realistically thinks this is going to happen. So perhaps some of the constituencies were mollified by this show; but I want to stress again, this has been awful procedure.

The gentleman from Kentucky is right: we have debated the whole government, fundamental issues that go far beyond budgetary issues in 3½ days. We will have debated fundamental issues in 10 minutes. This is openness? This is a travesty of the democratic process.

So, Mr. Speaker, because I have been given a chance to explain why I think this is a terrible process, why I am going to say now I don't expect the Senate to accept this. We will have to come back and do it again. There will have to be, I assume, a short-term extension.

I want to give notice now to all parties. I will object strenuously at every procedural opportunity to any effort to repeat this travesty.

□ 0000

So with respect to the ranking member and to the minority whip and the

minority leader and to others and to people who have worked so hard and to the poor long-suffering staff, yes, I will remove my reservation, and I will not object. Having made it clear, once the Senate gives this awful product an appropriate burial, I will not be a party to its resuscitation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. GOHMERT. Mr. Speaker, I reserve the right to object because just to sit here and listen, after having spent the last 4 years dealing with the most closed Congress—the last Congress, in fact, had more closed rules than any Congress in American history—and then to be lectured about what is a travesty is itself a travesty. That's the real travesty. That many closed rules, and you come down here and want to tell us what is awful? Try standing here for the last 4 years and dealing with closed rule, closed rule, closed rule, no amendments. We're not going to let you represent your people because we're going to cram everything down. That's a travesty.

Let's get on with the democratic process because that's what it is when you get to hear from both sides. We heard from one side. We heard "travesty" several times, and now we'll get back to the democratic process.

And with that, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ROGERS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Kentucky. Now that we do have the UC in place, we intend

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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to take up five amendments this evening, or this morning. There will not be recorded votes this evening. So Members that wish to would be able to leave, but we will debate five of the amendments under the UC and roll the votes until tomorrow.

Mr. Speaker, I also want to add briefly my thanks especially, along with Mr. DICKS, our thanks to Jennifer Miller on our side and David Pomerantz on the other side who are the ones who crafted this UC very diligently and very accurately, and we want to thank them especially for their work.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 92 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1.

□ 0004

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, with Mr. GINGREY of Georgia (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 11 printed in the CONGRESSIONAL RECORD, offered by the gentleman from Indiana (Mr. PENCE), had been postponed, and the bill had been read through page 359, line 22.

Pursuant to the order of the House of today, no further amendment may be offered except those specified in the previous order which is at the desk.

AMENDMENT NO. 533 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Environmental Appeals Board to consider, review, reject, remand, or otherwise invalidate any permit issued for Outer Continental Shelf sources located offshore of the States along the Arctic Coast under section 328(a) of the Clean Air Act (42 U.S.C. 7627(a)).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, we must explore for and develop

the Arctic resources in an environmentally safe and sustainable manner, and we must allow that exploration work to proceed without bureaucratic impediments. This amendment accomplishes both.

This amendment would limit funds in the bill from being used by the Environmental Appeals Board, EAB, to invalidate any permit issued by the Environmental Protection Agency, EPA, for activities on the Arctic Outer Continental Shelf, OCS.

The EAB is an extension of the EPA that hears administrative appeals pertaining to permit decisions and civil penalty decisions of the agency. Very frankly, EAB is populated by environmental appeals judges who are lawyers associated with EPA or the Justice Department. This amendment does not circumvent the EPA's authority. Instead, it continues to give permitting decisions to the professionals in the regional office.

What this amendment will do is remove the ability for lawyers to overrule EPA permit writers. Over \$4 billion has been invested in trying to drill exploratory wells, and to date not a single well has been drilled because of one EPA air permit.

Mr. Chairman, I must say, this is an example of how an aid agency is trying to issue the permits correctly, but they have a board that can listen to someone who objects to it that rules against them. And we have, in fact, had a little over 680 leases in the Arctic Ocean, oil that we need being held up by bureaucrats. We will do this safely. The air will be clean. They're 80 miles from any human, other than those who work on these ships. And if you believe it's right to buy this oil from overseas, shame on you.

Again, we are spending close to \$40 billion this year or more buying foreign oil; 72 percent of our oil is coming from overseas. The right thing to do is allow us to take and explore and find out if that oil is there; and if it is, to develop it.

Remember, we're not the only ones in the Arctic anymore. Iceland, Greenland, China, Russia are all drilling. We're the only ones not involved; yet we have the best equipment, the best environmental wreckers in the Arctic. We have the proper equipment to do it safely. It's being held up by bureaucrats who don't want to issue the permits. EPA has said it's all right, but the review board says, no, it's not, within the agency itself. All it says, if they have the permit issued, then it should go forth, and let's get on to serving this country as we should for the benefit of this Nation, for the benefit of those so we don't have to go to war over in the Middle East over oil. So if you don't like what's going on over there, let's support this amendment. I believe it's the correct thing.

I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, the gentleman's amendment stops funding for—and I will quote—the Environmental Appeals Board to consider review, reject, remand, or otherwise invalidate any permit issued for Outer Continental Shelf sources located offshore of the States along the Arctic coast.

□ 0010

Now, the gentleman has shared with us a specific situation, but his amendment goes considerably beyond that. The appeals board is the final decision-maker on administrative appeals under all major environmental statutes that the Environmental Protection Agency administers. It's an impartial body, independent of all agency components outside the immediate office of the administrator. To support this amendment is to take away people's right to petition their government. This is an impartial board that looks out for the regular citizen. In fact, they just took great care and ruled on the side of Alaskans and courageously ruled against EPA's issuance of a permit to Shell Oil.

I thought the gentleman and his side of the aisle would take sincere joy in any decision ruling against EPA. But that's not the case, apparently. I guess EPA is okay as long as it doesn't use any Federal funds and rules exactly the way that you want them to. And, in fact, EPA did rule the way that the gentleman wants, it's just that we have an appeals board. That appeals board is there for good reason, has been for some time.

I don't have to tell the gentleman, but I think the other Members of this body should know that the Environmental Appeals Board found that EPA's analysis of the effect on Alaskan Native communities of nitrogen dioxide emissions from the drilling ships was too limited, ordered the agency to redo the work. It doesn't mean that they can't drill. The analysis is incomplete. We should let that legal process work and stop interfering in long-standing regulatory and administrative processes. The amendment will be seen as an assault on the environment and an affront to the Alaskans who engaged in this case.

I'm disappointed that the gentleman's position would appear to favor Big Oil over the small Alaskan villages that are being protected in this reconsideration. It doesn't mean that there won't be drilling; it simply means that the analysis to enable that drilling needs to be full and complete.

I urge defeat of the amendment and reserve the balance of my time, Mr. Chairman.

Mr. YOUNG of Alaska. Mr. Chairman, I want to suggest one thing. The native communities in Alaska support this. They support drilling. I've had them in my office. And to say that, I